

5905 LAKE SAN DRIVE  
CRESCENT CITY, CA 95531  
IN PROSE

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JUN - 9 2008

HAROLD SHAMBERGER,  
PLAINTIFF,

CASE NO. 0074597-JSW (CR)

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

V.  
R. KIRKLAND, ET AL.,  
DEFENDANTS.

MOTION FOR AN ORDER COMPELLING DISCOVERY  
PER FED. R. CIV. P. RULE 37(a) AND SANCTIONS  
RULE 37(a)(4).

PLAINTIFF MOVES THIS COURT FOR AN ORDER PURSUANT TO FED. R. CIV. R 37(a)(4) REQUIRING PELICAN BAY CORRECTIONAL OFFICER A. HERNANDEZ TO PAY PLAINTIFF THE SUM OF 500.00 DOLLARS AS REASONABLE EXPENSES IN OBTAINING THIS ORDER OR AN ORDER COMPELLING THE CALIFORNIA DEPARTMENT OF CORRECTIONS TO ALLOW PLAINTIFF TO INTERVIEW SAID PRISONERS OR HAVE THEM BROUGHT BEFORE THIS COURT TO TESTIFY ON PLAINTIFF BELIEF CONCERNING THE THREE (3) DOCUMENTS USE TO VALIDATE PLAINTIFF AS A ACTIVE GANG MEMBER SEE HUDSON 412 F2d 1091.

ON THE GROUNDS THAT OFFICER A. HERNANDEZ WERE GIVEN PLAINTIFF'S AFFIDAVITS FROM THE FOLLOWING PRISONERS:

- |                          |                        |
|--------------------------|------------------------|
| 1.) R. WILLIAMS # B72882 | 5.) V. JONES # B26077  |
| 2.) R. DEWBERRY # C35671 | 6.) L. POWELL # B59864 |
| 3.) J. FRANKLIN # C08545 |                        |
| 4.) K. CARTER # B52119   |                        |

AND REFUSE TO PROVIDE PLAINTIFF WITH HIS AFFIDAVITS SOUGHT PURSUANT TO FED. R. CIV. P. RULE 26, RULE 56(f) AND COR 11115 SECTION 3139 (ONE TIME CORRESPONDENCES) APPROVED BY A FACILITY CAPTAIN ON 4/18/08 AND 5/14/08.

THESE DOCUMENTS AND EXHIBITS ARE CRIMINAL TO THE FOREMENTIONED CAUSE OF ACTION. BECAUSE EACH OF THE ABOVE PRISONERS PERSONS HAVE PERSONAL KNOWLEDGE OF THE (3) CONFIDENTIAL MEMOS. FOR EXAMPLE; R. DEWBERRY # C35671 AFFIDAVIT WOULD REFUTE PRISON OFFICIALS CLAIM THAT PLAINTIFF'S CONFIDENTIAL MEMO DATED SEPTEMBER 8 2004 CONFISCATED FROM HIS CELL WAS NOTHING MORE THAN A PETITION SEEKING THE RELEASE OF POLITICAL PRISONERS AND WAS UNRELATED

TO BANK ACTIVITY. AND ANY LEGAL REDRESS I/M DEWBERRY  
MAY HAVE PURSUED CONCERNING THIS DOCUMENT IS VERY MUCH  
AN ISSUE BEFORE THIS COURT.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS  
TRUE AND CORRECT.

EXECUTED 6/5/08

Shenburger  
181 HAROLD SHENBURGER

**EXHIBIT A**